

New Yorkers Must Cover Their Faces in Public

In the past week, Governor Andrew Cuomo has issued three Executive Orders dealing with face coverings. [Executive Order 202.16](#) requires, as of April 15, all essential businesses and entities to provide face coverings to employees who are in direct contact with customers or members of the public. For an in-depth examination of the requirements of this Executive Order, please see [this information memo](#).

Three days later, the Governor issued [Executive Order 202.17](#). This Order requires:

- All individuals, **two years and older** and **medically able to tolerate a face covering**;
- To wear a cloth face covering or mask that covers their nose or mouth;
- When in a public place; and
- When **unable** or **not maintaining** social distance.

In plain English, this requires individuals to wear a face covering in public when they cannot keep at least six feet apart from another person. This includes putting on a face covering while running or walking close to another person.

The Order explicitly mentions cloth face coverings. [The CDC has issued guidance](#) on the use of cloth face coverings, including instructions on how to wear and make them.

Although the Order does not describe who is medically able to tolerate a facemask, the CDC guidance provides some assistance. It provides that face coverings should not be placed on anyone who has trouble breathing or is unable to remove a face covering without assistance.

The third Executive Order, [202.18](#), adds onto Executive Order 202.17. It provides that any person using or driving public or private “for-hire” transportation must wear a mask or face covering while another passenger is in the vehicle. Like Executive Order 202.17, the mask or face covering must cover the nose and mouth, and certain individuals (below age two or medically incapable) do not have to wear the face covering.

Notably, neither Executive Order 202.17 nor 202.18 establishes penalties for failing to wear face coverings in public.

The requirement to wear face coverings in public went into effect on Friday, April 17, 2020.

The attorneys at Bond, Schoeneck and King are here for you during these unprecedented times. If you have questions, please contact [Hermes Fernandez](#), [Caitlin Anderson](#) or the attorney at the firm with whom you are regularly in contact.



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